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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,233	12/15/2003	Anthony Lopez	LOPEZ-P001	6368
7590 09/30/2005			EXAMINER	
Fernandez & Associates, LLP			FRECH, KARL D	
PO Box D			ART UNIT	
Menlo Park, CA 94026-6402			PAPER NUMBER	
			2876	

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/737,233

Applicant(s)

LOPEZ ET AL.

Examiner

Karl D. Frech

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,7-18 and 26-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,7-18 and 26-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1,2,3,5,7-15,17,18,26,28-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitschelle et al 5,777,951 in view of Marin US Pub 2005/0068196. Mitschelle discloses a parking meter 10 with an associated parking space 12. There is disclosed a remote monitoring station 16. The parking meter 10 includes a microcontroller 18 and a timer 20. There is disclosed a vehicle detector 22 which is focused at the parking space 12 and coupled to the microcontroller 18. The vehicle detector detects the presence or absence of a vehicle. A communication modem 26 is also associated with the parking meter, as is a digital camera 28 that is also focused on the parking space 12. See column 2 line 58 – column 3 line 10. It is disclosed that when the presence of a vehicle is detected but no payment has been received, the

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camera takes a picture of the license plate. See column 3 lines 11-44. Mitschelle does not specifically disclose an unique identification code for the individual parking meters in the network. However, Mitschelle does disclose a one to one correspondence between a parking meter and a single parking space. Official Notice is taken that assigning identifiers, such as numbers, to discrete objects in a plurality of similar objects is old and well known. It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide a unique identification code for an individual parking space/meter. This would facilitate location of a subject parking meter for parking enforcement and accounting purposes. Mitschelle does not disclose that the housing of the parking meter is titanium. Notice is also taken that titanium is old and well known. It would have been obvious to one of ordinary skill in the art at the time of the invention to house the parking meter in titanium for its inherent strength, durability and resistance to the elements. Mitschelle does not disclose towing violating vehicles. Notice is also taken that tow trucks and enforcement of parking by use of towing is old and well known. It would have been obvious to one of ordinary skill in the art at the time of the invention to tow violating vehicles in order to enforce parking restrictions. (It is noted that Applicant does not traverse the above holdings of Official Notice). Mitschelle does not disclose the authorization device or the mail distribution. Marin discloses a multi-bay parking meter system which is means for authorization of use of a parking space based upon identification of the vehicle [0200], a means for capturing the image of a license plate [0020], means for associating tracking parking violations [0026], [0029], means for identifying the owner of the vehicle based upon license, VIN information

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[0029]. It is disclosed that a summons may be automatically created and mailed to the owner of the vehicle [0030]. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the automatic authorization and identification system of Marin in the system of Mitschelle. This would allow for fully automated parking facilities as taught by Marin.

4. Claims 16,27,35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitschelle and Marin as applied to claims 1,2,3,5,7-15,17,18,26,28-34 above, and further in view of Bucholz et al US 2004/0201460A1. Mitschelle and Marin do not disclose that the parking meter is used in connection with the Amber Alert system. Bucholz discloses connecting cameras incorporated into traffic management systems to the Amber Alert system [0051]. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the camera system of Mitschelle into the Amber Alert system, as this would positively locate a subject vehicle to aid in the rapid rescue of violated individuals.

5. Applicant's arguments with respect to claims as seen in Applicant's response of July 12, 2005 have been considered but are moot in view of the new ground(s) of rejection.

6. Since the examiner has change the rejection of claim 10, and it's dependents, due to no action of Applicant, this action is NOT MADE FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl D. Frech whose telephone number is (571) 272-2390. The examiner can normally be reached on maxi-flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Karl D Frech
Primary Examiner
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